GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4651
ANSWERED ON:22.08.2000
AMENDMENT IN I.P.C. AND CR. P.C.
NIKHIL KUMAR CHOUDHARY;THAAWAR CHAND GEHLOT

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government are considering reforms in IPC, Cr. P.C. to improve substantially the success rate in their appeals;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D. SWAMI)

(a) to (c): The Code of Criminal Procedure (Amendment) Bill, 1994 containing 49 clauses and proposing amendment to various provisions of the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1960, was introduced in the Rajya Sabha on 9th May, 1994. The main objective of the Bill is to make the provisions of the Code of Criminal Procedure, 1973 more effective by removing certain difficulties and lacunae felt in its working. A statement indicating important proposals contained in the Bill is attached-

Important proposals contained in the Code of Criminal Procedure (Amendment) Bill,1994

(i) Clause 8 of the Bill seeks to insert a new section 50A to require the police to give information about the arrest of the person as well as the place where he is being held to anyone who may be nominated by him for sending such information.

(ii) Clause 10 of the Bill seeks to insert a new section 53A to provide a detailed medical examination of a person accused of an offence of rape.

(iii) Clause 21 of the Bill proposes to amend section .176 of the Code to provide that in case of death or disappearance of a person, or rape of a woman while in the custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty-four hours of death.

(iv) In the interest of prompt disposal of cases, Clause 26 of the Bill provides for widening of the scope of proviso to section 223 of the Code which would enable the Court of Session-also to hold joint trials.

(v) Clause 27 of the Bill proposes to give discretion to the Sessions Judge to transfer a case either to the Chief Judicial Magistrate or to any other Magistrate of the First Class and to fix a date for the appearance of the accused before the Chief Judicial Magistrate or the Judicial Magistrate, as the case may be, so that a lot of time which is wasted in summoning the accused by the Magistrate may be save.

(vi) Clause 28 of the Bill provides for mandatory summary trial for offences under sub-section (1) of section 260 of the Code. It also provides for summary trial for the offence of theft and other cognate offences where the value of property involved does not exceed two thousand rupees instead of two hundred rupees at present.

(vii) Clause 36 of the Bill proposes to amend section 377 of the Code so as to permit the filing of an appeal in the Court of Session instead of the High Court on the ground of inadequacy of sentence passed by a Magistrate. This amendment is intended not only to make it easier for the administration to prefer appeals against unduly lenient sentences by Magistrates but also to deter the latter from passing sentence that are grossly inadequate.

(viii) Clause 40 of the Bill provides that if the arrested person is accused of a bailable offence and he is indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.